

ATTORNEY DOCKET NO.:
068351.0142

PATENT APPLICATION
10,625,998



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark B. Lyles

Serial No.:

10/625,998

Filing Date:

July 24, 2003

Group Art Unit:

1623

Examiner:

Lewis, Patrick T.

Title:

**NUCLEIC ACID ANTIOXIDANT
COMPOSITIONS, METHODS FOR OBTAINING
SUCH COMPOSITIONS AND FORMULATIONS
THEREOF**

MAIL STOP - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV352440655US Mail Stop - AF, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2006.

Michael Wasaff

**RESPONSE TO NOTICE OF PANEL DECISION
FROM PRE-APPEAL BRIEF REVIEW**

In response to the Notice of Panel Decision from Pre-Appeal Review (copy attached), Applicant submits herewith a revised Pre-Appeal Brief Request for Review within the 5 page limit. Copies of the documents filed on January 30, 2006 are enclosed for the convenience of the Examiner: Pre-Appeal Brief Request for Review, Notice of Appeal, check for the Notice of Appeal fee in the amount of \$250.00 which were filed with the Notice of Appeal, and returned stamped postcard evidencing receipt of these documents.

CONCLUSION

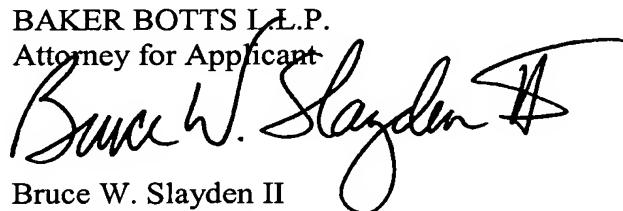
Applicant has now made an earnest effort to place this case in condition for examination. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Since Applicant previously paid for the Notice of Appeal, Applicant believes no additional fees are due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2606.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicant



Bruce W. Slayden II
Reg. No. 33,790

Date: February 27 2006

SEND CORRESPONDENCE TO:

At Customer No. **31625**

512.322.2606
512.322.8383 (fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

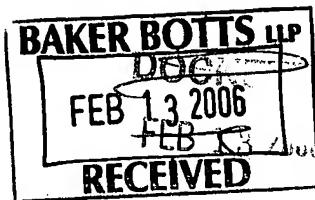
UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,998	07/24/2003	Mark B. Lyles	068351.0142	9896
31625	7590	02/07/2006		
BAKER BOTT S L.L.P.			EXAMINER	
PATENT DEPARTMENT			LEWIS, PATRICK T	
98 SAN JACINTO BLVD., SUITE 1500			ART UNIT	PAPER NUMBER
AUSTIN, TX 78701-4039			1623	

DATE MAILED: 02/07/2006

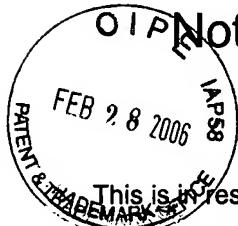
Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 2-23-06 Attorney MML
Docket No. 068351.0142
Due Date: 3-3-06
Action: Resp. to Notice of Panel Decision
Resubmit Pre-Appeal Brief Request



Application Number 	Application/Control No. 10/625,998	Applicant(s)/Patent under Reexamination LYLES, MARK B.
	Brenda Gray	Art Unit 1694

Document Code - AP:PRE:DEF



This is in response to the Pre-Appeal Brief Request for Review filed 01-30-06.



1. **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: The reason for request is a 5 page limit. You have submitted a total of 8 pages. The reason for request consist of 6 pages .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

3. **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Brenda Gray.

(3) _____.

(2) _____.

(4) _____.

BAKER BOTTS L.L.P.

ATTORNEYS AT LAW
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98 San Jacinto Blvd.
Austin, Texas 78701-4039

INQUIRIES: (512) 322-2500
TAXPAYER I.D. #74-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
I5018444	01/30/2006	068351.0142 - E 1245187	MORGAN 250.00	0.00	250.00
Check No.	110852	Check Date	01/30/2006	Vendor No.	11135
Vendor Name	COMMISSIONER OF PATENTS AND			Total Amount	250.00

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TO THE ORDER OF
COMMISSIONER OF PATENTS AND
TRADEMARKS

10/625,998

Joseph R. Knight

110852 1110006140 09910934197



The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

Application - Spec., Claims, Abstract (___ Page(s))
 CIP Conv. Prov. Div.
 Cont. Provisional
 Informal/Formal Drawing(s) (___ Page(s))
Declaration(s)/Power(s) of Attorney (___ Page(s))
 Executed Unexecuted
 Assignment w/ Cover Sheet (___ Page(s))

Verified Statement (___ Page(s))
 ___ Mo. Extension of Time (___ Page(s))
 Notice of Appeal (___ Pages)
 Pre-Appeal Brief Request for Review (___ Page(s))
 Check No. 110853 Amt.: \$250.00
 Other: Pre-Appeal Request for Review
Transmittal Form (APR-2)

Inventor(s): Mark B. Lyles

Serial No.: 10/625,998

Receipt Date & Serial

Title: Nucleic Acid Antioxidant Compositions, Methods for Obtaining
Such Compositions and Formulations Thereof

Client/Applicant: Materials Evolution

BB File No.: 068351.0142

Mailed: 01/30/06

Certificate of Mailing

Due: 02/01/06

Express Mail Rept. No.: EV352441151US

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